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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,513	10/16/2001	Sue-Lin Tai		6894

7590 08/27/2003  
Wei Te (Joseph) Chung  
Foxconn International, Inc.  
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EXAMINER

LIN, TINA M

ART UNIT PAPER NUMBER

2874

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/981,513

Applicant(s)

TAI, SUE-LIN

Examiner

Tina M Lin

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This Office action is responsive to applicant's communication filed on 16 July 2003. Applicant's arguments filed on 16 July 2003, paper number 6, have been fully considered. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections set forth in the previous office action are withdrawn. Claims 1-16 are therefore allowed with the additional limitations included. The newly added claims, Claims 23-28, are rejected below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's own admitted prior art. In Applicant's "The Prior Art" section, Applicant discloses a DWDM system with an input and output optical fiber, a biporose pigtail with two holes to secure the input and output fibers, a graded index lens coupled with the pigtail with a signal being transmitted from the input fiber can enter the lens, a filter adhered with the other end of the graded index lens with a reflected signal from the filter is transmitted through the lens to the return fiber. [0004 and 0005] Additionally, in the Prior Art Figures 1A, 1B, 2A and 2B the graded index lens is orientated at a first angle relative to the center axis of the pigtail and orientated at a second angle relative to the center axis of the graded index lens. Also, the second

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end of the graded index lens is orientated at a third angle, a right angle, ([0006]) relative to the center axis of the graded index lens. Lastly, the face of the second end of the graded index lens is parallel to the filter (Prior Art Figures 1A, 1B, 2A and 2B). But the prior art fails to disclose the two pigtail holes to be at different distances from the center axis of the pigtail. However, during manufacturing, the lenses, filter and pigtail cannot be exactly precise to the point where the pigtail holes are at the same distance as claimed by Applicant. One of ordinary skill would first determine exactly where the pigtail holes needed to be after aligning the lens and filter together to allow for minor correction due to slight manufacturing imprecisions. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the two holes in the biporose pigtail to be at different distances to the center axis of the pigtail fiber.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-16 are allowed. The prior art of record fails to disclose or reasonably suggest a filter and a graded index lens adhered together at an acute angle where the face of the filter touching the face of the graded index lens are parallel.

Applicant's arguments filed on 16 July 2003, paper number 6, have been fully considered. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections set forth in the previous office action are withdrawn. Claims 1-16 are therefore allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A-E all discuss other coupling methods of pigtail fibers with GRIN lenses and filters.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (703) 305-1959. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TML *TML*  
August 13, 2003

*John D. Lee*  
John D. Lee  
Primary Examiner